

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:02-CR-22-BO-3

GENE ANTHONY BROWN, JR.,)
Petitioner,)
)
)
v.) ORDER
)
UNITED STATES OF AMERICA,)
Respondent.)

The Court has before it Petitioner's "Motion to Discontinue Sentence Imposed" [DE 639].

Notice is hereby given to the Petitioner that the Court intends to construe this Motion as a Motion to Vacate, Set Aside or Correct a Sentence pursuant to 28 U.S.C. § 2255. The Court warns the Petitioner of the effects of filing a motion pursuant to section 2255 and advises him as to the requirements of section 2255. Having notified the Petitioner of the implications of section 2255 on the instant Motion, pursuant to *Castro v. United States*, 540 U.S. 375, 377, 383 (2003), the Motion is DISMISSED WITHOUT PREJUDICE. Should the Petitioner wish to file a Motion to Vacate, Set Aside or Correct pursuant to 28 U.S.C. § 2255 in the future, he should do so on the appropriate forms which are available from the Clerk.

Petitioner's Motion to Withdraw Document [DE 655] is DENIED AS MOOT.

DONE AND ORDERED, this 20 day of April, 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE